

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GEORGE F. RATHY, SR.,)	
)	
Plaintiff,)	Civil Action No. 13-72
)	
v.)	
)	Judge Cathy Bissoon
JOHN E. WETZEL, Secretary for)	
Pennsylvania Dept. of Corrections,)	Magistrate Judge Lisa Pupo Lenihan
<i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

This case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.C, 72.D and 72.G of the Local Rules for Magistrates.

On July 28, 2014, the Magistrate Judge issued a Report and Recommendation (Doc. 66) recommending that the Motion to Dismiss filed by the DOC Defendants (Doc. 64) be granted and that the Motions to Dismiss, which were converted into Motions for Summary Judgment, filed by Dr. Y. Alex Suvorov (Doc. 57) and Dr. Scott Morgan (Doc. 59) also be granted. The Report further recommended that Defendants Grave and Al Harvey be dismissed for failure to prosecute and for Plaintiff's failure to state a claim against them pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), that leave to file a Fourth Amended Complaint be denied, and that the case be closed. Service of the Report and Recommendation was made on the parties, and no objections have been filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

The Motion to Dismiss filed by the DOC Defendants (**Doc. 64**) and the Motions to Dismiss, which were converted into Motions for Summary Judgment, filed by Dr. Y. Alex Suvorov (**Doc. 57**) and Dr. Scott Morgan (**Doc. 59**) are **GRANTED**. Defendants Grave and Al Harvey are **DISMISSED** for failure to prosecute and for Plaintiff's failure to state a claim against them pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Leave to file a Fourth Amended Complaint is **DENIED**, and this case will be **CLOSED**. The Report and Recommendation of Magistrate Judge Lenihan, dated July 28, 2014, is hereby adopted as the opinion of the District Court.

IT IS SO ORDERED.

August 19, 2014

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record

cc (via First-Class U.S. Mail):

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